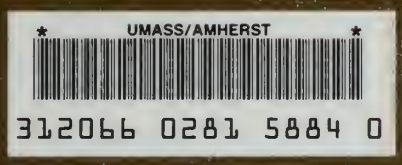
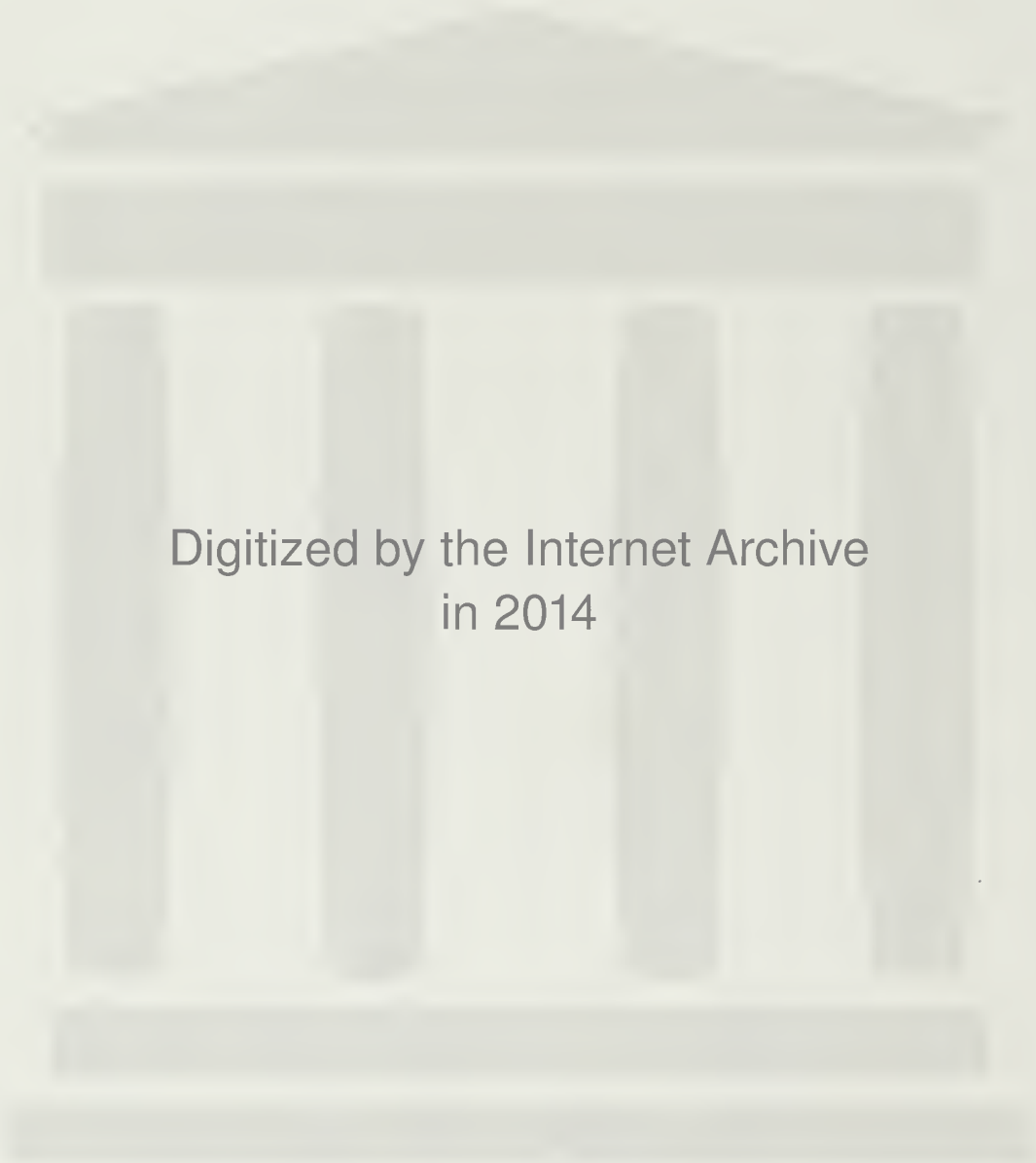
MASS.
J8.4:
984-989

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MASS. J8.4:984—88

The Commonwealth of Massachusetts

Division of Administrative Law Appeals

(617) 727-7060 One Ashburton Place, Room 1021, Boston 02108

January 12, 1989

Mr. L. Edward Lashman, Jr.
Secretary
Executive Office for Administration
and Finance
Room 373
State House
Boston, MA 02133

Dear Secretary Lashman:

In accordance with the requirements of M.G.L. c.30 §39Q attached hereto is a summary of the capital construction appeals opened and closed during calendar year 1988.

The total number of appeals opened in 1988 was 23, while 45 appeals were closed.

Also attached is a summary of the appeals opened and closed for the years 1984 through 1987.

Very truly yours,

Christopher F. Connolly
Chief Administrative Magistrate

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Capital Construction Cases
Status Report 1984

1. Docket No. CP-7835
   Appellant: Sciaba Construction Company
   Sub Contractor: McCusker Company, Inc.
   Awarding Authority: Division of Capital Planning & Operations (D.C.P.O.)
   Claim: Appeal from denial in part of change order no. 2, Mass. State Project GS80-9, contract #1B in the amount of $18,397.38. The change order was not approved for the production of shop and coordination drawings.
   Site: 2nd floor, Saltonstall Building, Boston
   Claim filed: January 5, 1984
   Hearing: Held on June 28, 1984
   Status: Written decision ordering allowance of the change order issued on November 27, 1984.

2. Docket No. CP-7836 (consolidated for hearing with CP-8021)
   Appellant: New England Construction & Management, Inc.
   Awarding Authority: D.C.P.O.
   Claim: Appeal from denial of change order nos. 2 and 4, Mass. State Project No. M81-7, contract #3. Change order no. 2 was a request for an extra day for installation of a fence. Change order no. 4 was for extra time spent locating property bounds.
   Site: Tewksbury State Hospital
   Claim Filed: January 5, 1984
   Hearing: Held on May 23, 1984 (consolidated with CP-8021)
   Status: Written decision issued on August 27, 1984 affirming denial of change order no. 2 and reversing denial of change order no. 4.

3. Docket No. CP-7837 (App. - New England Construction & Management, Inc.)
   Status: Dismissed, same as docket no. CP-8164. New file opened erroneously.

4. Docket No. CP-7864
   Appellant: T & T Construction
   Awarding Authority: Department of Environmental Management (D.E.M.)
   Claim: Appeal from non-response to claims for extra work performed on contract 937-79
   Site: Cochituate State Part, Natick
   Claim Filed: January 18, 1984
   Hearing: Pre-hearing conference was held on April 19, 1984
   Status: Written decision ordering dismissal issued on June 27, 1984.

5. Docket No. CP-7882
   Appellant: Sciaba Construction Company
   Awarding Authority: D.C.P.O.
   Claim: Appeal from denial of change order no. 6, Mass. State Project GS80-9, contract 1B in the amount of $611.12. The issue on appeal was whether the work in question was part of the contract specifications or was extra work.
   Site: 2nd floor, Saltonstall Building, Boston

Claim filed: January 31, 1984
Hearing: A hearing was held on May 22, 1984
Status: Written decision affirming denial of change order rendered on August 29, 1984.

6. Docket No. CP-7904
Appellant: The Chappy Corporation
Awarding Authority: D.C.P.O.
Sub Contractor: Caruso Construction
Claim: Appeal from denial of change order no. 2, Mass. State Project P74-6, contract #6 in the amount of $20,637.77. It was alleged that the change order request was due to differing site conditions.
Site: M.C.I. Concord
Claim filed: February 10, 1984
Hearing: Pre-hearing conference was held April 19, 1984
Status: Awaiting completion of discovery.

7. Docket No. CP-8021 (consolidated for hearing with CP-7836)
Appellant: New England Construction & Management, Inc.
Awarding Authority: D.C.P.O.
Claim: Appeal from denial of change order nos. 5-7, Mass. State Project M81-7, contract #3 for costs associated with providing temporary water service.
Site: Tewksbury State Hospital
Claim Filed: April 12, 1984
Hearing: Held on May 23, 1984 (consolidated with CP-7836)
Status: Written decision was issued on August 27, 1984, affirming in part and reversing in part change order nos. 5-7. Respondent filed Motion to Reconsider on August 30, 1984. On September 17, 1984 a written decision on Respondent's Motion for Reconsideration and Final Decision was issued, affirming in part and reversing in part denial of the change order and increasing award to Appellant.

8. Docket No. CP-8065
Appellant: Gaffny Corporation Contractors
Awarding Authority: D.C.P.O.
Claim: Appeal from denial of change order nos. 5, 6, 7, 8 and 11 and claim for change order nos. 2, 3, 4, 9, 10, 12, 13 which are pending agency action for Mass. State Project E79-2, contract #1.
Site: Salem State College
Claim Filed: April 27, 1984
Hearing: None scheduled
Status: Awaiting assignment of prehearing conference.

9. Docket No. CP-8068
Appellant: New England Construction and Management, Inc.
Awarding Authority: D.C.P.O.
Claim: Appeal from partial denial of change order nos. 9, 10, 13, Mass. State Project M81-7, contract #3. Change order no. 9 in the amount of $1,550.46 was allowed in the amount of $1,199.58. Change order no. 10 in the amount of $3,478.42 was allowed in the amount of $3053.05. Change order no. 13 in the amount of $948.75 was allowed in the amount of $812.13.

Site: Tewksbury State Hospital
Claim Filed: April 30, 1984
Hearing: Held on September 26, 1984
Status: A written decision was rendered on January 10, 1985, ordering the following: affirming denial of change order no. 9, reversing denial of change order no. 10 and affirming denial of change order no. 13.

10. Docket No. CP-8164
Appellant: New England Construction & Management, Inc.
Awarding Authority: D.C.P.O.
Claim: Appeal from partial denial of change order no. 2, Mass. State Project E76-1. The change order in the amount of $6,042.38 was allowed in the amount of $311.96. The issue raised by the appeal was whether the alleged extra charge for extra work and equipment could be proven.
Site: Bridgewater State College
Claim Filed: June 12, 1984
Hearing: Held on September 26, 1984
Status: Written decision affirming denial of change order rendered on January 30, 1985, with corrections to amount originally allowed.

11. Docket No. CP-8252
Appellant: McPak Company, Inc.
Awarding Authority: Department of Environmental Management (D.E.M.)
Claim: Appeal from denial by D.E.M. of change order from contract 93-82.
Site: Otis Reservoir Outlet Structure, Tolland
Claim Filed: July 25, 1985
Hearing: A pre-hearing conference was held on April 5, 1985. Counsel for D.E.M. failed to appear. On April 9, 1985, an Order to Show Cause why Appeal Should Not be Dismissed for want of Prosecution was issued. Counsel for the Appellant responded in writing to the Order on April 19, 1985. Another pre-hearing conference was scheduled for May 31, 1985.
Status: On June 3, 1985 the Appellant indicated in writing that the parties had agreed to a Settlement. Awaiting Notice of Settlement.

12. Docket No. CP-8498
Appellant: Gaffny Corp. Contractors
Awarding Authority: Metropolitan District Commission (M.D.C.)
Claim: Appeal from denial of change order for M.D.C. Contract #582-1008-C.A in the amount of $83,645.19. The change order is for differing site conditions.
Claim Filed: November 26. 1984
Hearing: None scheduled
Status: Awaiting assignment of pre-hearing conference.

13. Docket No. CP-8057
Appellant: Environmental Technical Services, Inc.
Awarding Authority: D.C.P.O.
Claim: Appeal from proposal for costs related to Mass. State Project M84-19(B), contract #1.
Site: Northampton State Hospital

Claim filed: December 4, 1984
Hearing: Pre-hearing conference held on February 26, 1985, motion to dismiss allowed.
Status: Claim dismissed without prejudice because appellant had not exhausted administrative remedies at the D.C.P.O.

14. Docket No. CP-8519
Appellant: Faneuil Construction, Inc.
Sub Contractor: N. B. Kenney Company, Inc.
Awarding Authority: D.C.P.O.
Claim: Appeal from denial of change order nos. 4 and 5, Mass. State Project M78-20, contract #6. Change order no. 4 was denied in the amount of $6,601.00.
Site: Ewalt Building, Wrentham
Claim filed: 12/6/84
Hearing: Held May 31, 1985
Status: Awaiting briefs which are due June 28, 1985.

Updated Status of 1982-1983 Cases

15. Docket No. CP-6952
Appellant: Swanson Engineering Co., Inc.
Awarding Authority: D.C.P.O.
Status: Parties settled. Order of dismissal filed on July 13, 1984.

16. Docket No. CP-7087
Appellant: Enterprise Equipment Co., Inc.
Awarding Authority: D.C.P.O.
Status: Written decision or Respondents Motion for Reconsideration. Motion denied on May 9, 1984.

17. Docket No. CP-7347
Appellant: Gaffny Corporation Contractors
Awarding Authority: D.C.P.O.
Status: Written decision affirming denial of change orders issued on November 29, 1984.

18. Docket No. 7409
Appellant: John H. Fellouris, Inc.
Awarding Authority: D.E.M.
Status: No change. Still awaiting hearing date.

19. Docket No. CP-7425
Appellant: R. A. Caputo Co., Inc.
Sub Contractor: The Dow Company
Awarding Authority: D.C.P.O.
Status: Written decision issued on August 2, 1984, remanding the case back to the D.C.P.O. for recalculation of the allowed portion of the change order request.

20. Docket No. CP-7512
Appellant: Crowley Corporation
Awarding Authority: D.C.P.O.
Status: No change.

21. Docket No. CP-7537
Appellant: Peabody Construction Company, Inc.
Sub Contractor: B. G. Mechanical Contractors, Inc.
B. J. Harland Electrical Company, Inc.
Awarding Authority: D.C.P.O.
Status: Written decision affirming denial of the change order request rendered on April 4, 1984.

22. Docket No. CP-7608
Appellant: Crowley Corporation
Awarding Authority: D.C.P.O.
Status: No change

23. Docket No. CP-7633
Appellant: Thomas O'Connor & Company, Inc.
Awarding Authority: D.C.P.O.
Status: No change

24. Docket No. CP-7705
Appellant: Crowley Corporation
Awarding Authority: D.C.P.O.
Status: No change

25. Docket No. CP-7744
Appellant: Matt Welch Electric Company, Inc.
Awarding Authority: Easton Housing Authority
Status: Appellant filed withdrawal of claim on February 3, 1984. Dismissal was issued on March 8, 1984.

26. Docket No. CP-7748
Appellant: McPak Company, Inc.
Awarding Authority: D.E.M.
Status: Settlement agreement filed on April 11, 1984. Dismissal was issued on April 20, 1984.

27. Docket No. CP-7770
Appellant: Chicago Bridge & Iron Company
Awarding Authority: D.C.P.O.
Status: No change

28. Docket No. CP-7809 (consolidated with CP-7810 for hearing)
Appellant: Sciaba Construction Corporation
Sub Contractor: Louis Mian, Inc.

Awarding Authority: D.C.P.O.
Status: Agreement for Judgment filed on August 9, 1984. Dismissal issued on August 16, 1984.

29. Docket No. CP-7810 (consolidated with CP-7809 for hearing)
Appellant: Sciaba Construction Corporation
Sub Contractor: Louis Mian, Inc.
Awarding Authority: D.C.P.O.
Status: Agreement for Judgment filed on August 9, 1984. Dismissal issued on August 16, 1984.

Capital Construction Cases

Status Report - 1985

Open Cases

1. Docket No. CP-8498
Appellant: Gaffny Corp. Contractors
Awarding Authority: Mass. Water Resources Authority (originally Metropolitan District Commission)
Site: Nut Island Wastewater Treatment Plant
Claim filed: November 27, 1984 (against MDC)
Claim: Appeal from MDC denial of a claim for extra work in the amount of $83,645.19, on Mass. State Project S82-1008-CIA. Gaffny claims the additional work was caused by site condition differing markedly from what was incorporated in the bid documents. (The MDC filed an answer in February 1985; in November 1985, the case was turned over to the MWRA.)

Hearing: A prehearing conference was held on January 3, 1986.

Status: A hearing is scheduled on March 25-27, 1986.

2. Docket No. CP-8638
Appellant: Sterling Engineering & Construction Co.
Awarding Authority: Brockton Area Transit Authority
Site: Bus Maintenance Garage, Brockton
Claim filed: February 12, 1986
Claim: Appeal from actions taken by BATA on five claims for additional days, partially granting two of the claims and denying the balance. The total number of days requested on the five claims was 195; BATA allowed 56 days.

Hearing: A prehearing conference scheduled for May 1, 1985 was postponed, at the parties' request, to June 7, 1985.

Status: A prehearing conference has been scheduled for February 28, 1986.

3. Docket No. CP-8824
Appellant: Sciaba Construction Corp. (for I & R Mechanical)
Awarding Authority: D.C.P.O.
Site: Saltonstall Building
Claim filed: May 9, 1985
Claim: Appeal of DCPO's denial of change orders 65, 66 and 68 on Mass. State

Project GS80-9, Contract No. 1B. Those change orders concern the cleaning and repair of certain mechanical equipment by I & R Mechanical, a subcontractor.

Hearing: A prehearing conference was held on November 25, 1985. The administrative magistrate was informed that change order 65 would not be "pressed". CP-8824 is to be consolidated with CP-8987 (infra) for trial.

Status: Hearing scheduled for January 28, 1986 was continued at Sciaba's request, because of the poor health of a principal witness. A hearing is scheduled for March 21, 1986.

4. Docket No. CP-8825
Appellant: TLT Construction Corp.
Awarding Authority: D.C.P.O.
Site: Lawrence Jail and House of Correction
Claim filed: May 20, 1985 (by plumbing subcontractor McCarthy Mechanical) without proper notice to TLT.

Claim: Appeal of DCPO's deduction of $5,723 from the contract price, pursuant to change order no. 1-S (initiated by DCPO) on Mass. State Project CES82-2, Contract No. 2. After certain work -- performed under a previously negotiated and approved change order, in the amount of $34,306 -- the resident engineer and project architect determined DCPO should receive a credit, in the disputed amount. The work in question was performed by McCarthy Mechanical, which initially appealed the action.

Hearing: A prehearing conference was held on December 4, 1986, at which the parties addressed McCarthy's intent to withdraw (because it had been paid in full by TLT) and the lack of notice of the original appeal to TLT. A second prehearing conference was held on January 3, 1986.

Status: A hearing is scheduled for February 21, 1986.

5. Docket No. CP-8906
Appellant: McCarthy Mechanical (plumbing sub.)
Awarding Authority: D.C.P.O.
Site: MCI Concord, Farm Buildings
Claim filed: June 18, 1985 (by Alan Corp., general)

Claim: Appeal from DCPO's failure to approve, in its entirety, change order 10-13 on Mass. State Project P81-3, Contract No. 5. The claim is for $6,172.14 plus six additional days. DCPO allowed $400.82 and one day.

Hearing: A prehearing conference was held on December 4, 1985. Alan orally assigned its claim to McCarthy at that time; a written assignment was subsequently filed.

Status: A hearing is scheduled for February 25, 1986.

6. Docket No. CP-8941
Appellant: Warren Fowler, Inc.
Awarding Authority: D.C.P.O.
Site: ICF/MR, Grafton
Claim filed: July 16, 1985

Claim: Appeal from DCPO's actions on change order nos. 2 and 3 on Mass. State Project M81-7, Contract No. 4. Change order no. 2 claimed $1,830 for additional excavation; DCPO allowed $248. Change order no. 3 sought 95 additional days to complete the work because of site conditions, design deficiency, supplier delay and bad weather. DCPO allowed 19 additional days.

Hearing: A prehearing conference was initially scheduled for December 2, 1985, but it was continued to (and held on) December 16, 1985, at Fowler's request.

Status: A hearing is scheduled for March 7, 1986.

7. Docket No. CP-8987
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: Saltonstall Building
Claim filed: July 30, 1985

Claim: Appeal of DCPO's denial of change order no. 69 on Mass. State Project GS80-9, Contract no. 1B, relating to certain ductwork, because the damage alleged occurred prior to the Commonwealth's acceptance.

Hearing: A prehearing conference was held on November 25, 1986, at which time it was decided to consolidate CP-8987 unit CP-8824.

Status: A hearing is scheduled for March 21, 1986 (See CP-8824, supra).

8. Docket No. CP-8988
Appellant: Sciaba Construction Corp. (I & R Mechanical)
Awarding Authority: D.C.P.O.
Site: Saltonstall Building
Claim filed: July 30, 1985

Claim: Appeal of DCPO's denial of change order no. 67 on Mass. State Project GS80-9, Contract No. 1B; it pertains to work on a "fin enclosure" by I & R Mechanical.

Hearing: A prehearing conference was held on November 25, 1985.

Status: A hearing is scheduled for March 21, 1986 (See CP-8824, supra).

9. Docket No. CP-9007
Appellant: Pascucci Bros. Co. Inc.
Awarding Authority: D.C.P.O.
Site: Ferveild School, Waltham
Claim filed: August 6, 1985

Claim: Appeal from DCPO's failure to allow change order 10.64 on Mass. State Project M78-20, Contract No. 2. The claim is in the amount of $21,975.

Hearing: A prehearing conference was held on December 2, 1985.

Status: A hearing, initially scheduled for January 29, 1986, is scheduled for March 27, 1986. DCPO requested the confirmance.

10. Docket No. CP-9119
Appellant: Trust Construction Corp.
Awarding Authority: D.C.P.O.
Site: Wrentham State School (Quinn School Renovations)
Claim filed: September 30, 1986

Claim: DCPO unilaterally reduced by three days the amount of time for

Trust to complete a particular contract phase. That reduction was accomplished by change order no. 32, on Mass. State Project M81-14, Contract No. 3, and Trust protested.

Hearing: A prehearing conference was held on December 2, 1985.

Status: A hearing is scheduled for February 28, 1986.

11. Docket No. CP-9193
Appellant: New England Construction & Management Corp.
Awarding Authority: D.C.P.O.
Site: Acton Intermediate Care Facility
Claim filed: November 14, 1985

Claim: Appeal from DCPO's denial of three change orders (nos. 3A, 34 and 45) on Mass. State Project M81-8, Contracts Nos. 5 and 6. Claims pertain to construction conditions (ledge), waterproofing and hardware.

Status: The prehearing conference has yet been scheduled.

12. Docket No. CP-9224
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: MCI Cedar Junction
Claim filed: November 26, 1985

Claim: Appeal of DCPO's denial of change order no. 35 on Mass. State Project 81-2, Contract No. 1.

Status: No prehearing conference has yet been scheduled.

13. Docket No. CP-9249
Appellant: Wexler Construction Co.
Awarding Authority: DCPO
Site: Fernald School, Waltham
Claim filed: December 20, 1985

Claim: Appeal of DCPO's denial of change orders nos. 18 and 19 on Mass. State Project 82-1, Contract No. 1.

Status: No prehearing conference has yet been scheduled.

14. Docket No. CP-9226
Appellant: R. W. Granger & Sons, Inc.
Awarding Authority: D.C.P.O.

Site: State Archives and Record Center
Claim filed: December 2, 1985

Claim: Appeal from DCPO's denial of change order no. 88 on Mass. State Project GA 78-1, Contract No. 1.

Status: No prehearing conference has yet been scheduled.

Closed Cases

1. Docket No. CP-8564
Appellant: Peabody Construction Co. for Fire Protection Engineering Co., Inc.
Awarding Authority: D.C.P.O.
Site: Hampshire County Jail and House of Correction
Claim Filed: January 2, 1985

Claim: Appeal from D.C.P.O. approved of change order 32, Mass. State Project CHE-75-1, Contract 1, wherein D.C.P.O. approved a credit of $15,962.18 and deducted that amount from the contract price.

Hearing: Prehearing conference held May 1, 1985. Hearing conducted November 15, 1985. Record closed November 27, 1985.

Status: On January 6, 1986, a written decision was issued affirming D.C.P.O.'s action.

2. Docket No. CP-8677
Appellant: R. A. Caputo Co. for Stockton Electrical Co., Inc.
Awarding Authority: D.C.P.O.
Site: W. E. Fernald School, Waltham
Claim filed: February 28, 1985

Claim: Appeal from D.C.P.O.'s partial approval of change order 14, Mass. State Project No. M81-12, Contract No. 1. The amount claimed was $6,234; the amount allowed was $1,200.

Hearing: Prehearing conference held May 1, 1985. Hearing conducted May 29, 1985, after which the record was closed.

Status: On June 13, 1985, a written decision was issued affirming D.C.P.O.'s action.

3. Docket No. CP-8714
Appellants: Pascucci Bros. Inc. (general contractor); Barrett Associates, Inc., and G. E. Construction Co. (subcontractors)
Awarding Authority: D.C.P.O.
Site: W. E. Fernald School, Green Bldg., Waltham.
Claim filed: March 22, 1985

Claim: Appeals from D.C.P.O.'s inaction on three change orders on Mass. State Project No. M78-20, Contract No. 2. (Deputy Commissioner of D.C.P.O. never issued final rulings on these change order requests; parties stipulated. He would have affirmed OPM actions denying the claims.) Change order 11 claimed $11,124.48 in extra hoisting costs incurred by Cruncer. Change order 7 claimed $3,584 in extra removal costs incurred by Barrett. Change order 14 claimed $8,606 in extra backfill expenses incurred by G. E. Construction.

Hearing: Prehearing conference held May 1, 1985. Hearing conducted June 25, 1985. Record closed August 16, 1985.

Status: On October 8, 1985, a written decision was issued denying change order 7, and denying in part and allowing in part change order 14.

4. Docket No. CP-8790
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: Middlesex County Courthouse
Claim filed: 4/26/85

Claim: Appeal from D.C.P.O.'s denial of change order 5 on Mass. State Project P80-3, Contract No. 2. Sciaba claimed that it had to spend an extra day moving furniture because of tenant obstruction. D.C.P.O. denied the extra day because it was the only entity empowered to suspend, delay or interrupt the work.

Hearing: Prehearing conference held November 25, 1985.

Status: On December 6, 1985, the parties negotiated a settlement of the claim, and the appeal was then withdrawn on December 16, 1985. The claim was dismissed on January 30, 1986.

5. Docket No. CP-8916
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: Middlesex County Courthouse
Claim filed: June 21, 1985

Claim: Appeal of D.C.P.O. denial of change order 12-18 on Mass. State Project P80-3, Contract #3, concerning a scaffolding problem.

Hearing: Prehearing conference held November 25, 1985.

Status: On December 2, 1985, Sciaba withdrew this claim.

6. Docket No. CP-8985
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: W. E. Fernald School, Waltham
Claim filed: July 24, 1985

Claim: Appeal of D.C.P.O.'s partial approval of change order 1-2, on Mass. State Project P81-5, Contract #4. Claim sought 34 additional days; D.C.P.O. allowed 10 days.

Hearing: Prehearing conference held November 25, 1985.

Status: On December 2, 1985, Sciaba withdrew this claim.

7. Docket No. CP- 9011
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: W. E. Fernald School, Waltham
Claim filed: August 16, 1985

Claim: Appeal of D.C.P.O.'s partial approval of change order 5-3 on Mass. State Project P81-5, Contract #4; a two day extension was not approved.

Hearing: Prehearing conference held November 25, 1985.

Status: On December 2, 1985, Sciaba withdrew this claim.

8. Docket No. CP-9012
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: W. E. Fernald School, Waltham
Claim filed: August 16, 1985

Claim: Appeal of D.C.P.O.'s partial approval of change order 6-4 on Mass.

State Project P81-5, Contract No. 4; a four-day extension was denied.

Hearing: Prehearing conference held November 25, 1985.

Status: On December 2, 1985, Sciaba withdrew this claim.

9. Docket No. CP-9013
Appellant: Alar Corp.
Awarding Authority: D.C.P.O.
Site: MCI Concord, Farm Building
Claim filed: August 16, 1985

Claim: Appeal of D.C.P.O.'s denial of change order 41, Mass. State Project P81-3, Contract #5.

Hearing: Prehearing conference scheduled to be held December 4, 1985.

Status: On November 12, 1985, Alar notified DALA that the parties had reached an agreement. On November 13, 1985, the claim was dismissed for mootness.

10. Docket No. CP-9057
Appellant: Sciaba Construction Corp.
Awarding Authority: D.C.P.O.
Site: W. E. Fernald School, Waltham
Claim filed: August 20, 1985

Claim: Appeal of D.C.P.O.'s denial of change order 15 on Mass. State Project P81-5, Contract 4.

Hearing: Prehearing conference held November 25, 1985. Hearing scheduled to be conducted January 27, 1986.

Status: On January 30, 1986, Sciaba notified DALA that it was withdrawing the claim, and the claim was dismissed.

11. Docket No. CP-9121
Appellant: Gaffny Corp.
Awarding Authority: D.C.P.O.
Site: Salem State College
Claim filed: September 24, 1985

Claim: Appeal from D.C.P.O. denial of change order 2 on Mass. State Project E79-2, Contract no. 1, concerning the replacement of certain

steam lines.

Hearing: Prehearing conference scheduled to be held December 2, 1985; a continuance was granted. Hearing was conducted on December 18, 1985.

Status: At hearing it was determined that the issues raised in CP-9121 are encompassed by CP-8065. The parties agreed CP-9121 should be dismissed, and it was, on January 6, 1986.

12. Docket No. CP-9187
Appellant: Turner Brothers Constructions
Awarding Authority: Charles Pace, Chairman of Whitman Housing Authority, et. al.
Site: Housing for the Elderly and Families
Claim filed: November 1, 1985

Claim: Turner Brothers filed a claim against an official of the Whitman Housing Authority, two officials of the Executive Office of Communities and Development, and the architect and administrator of State Aided Project 667-4/705-2. The project was awarded by the Whitman Housing Authority to Turner Brothers as general contractor. Claims raised concerned the sufficiency of certain engineering plans, alleged improper wall design, delays caused by a drywall subcontractor and alleged improper design of certain bathroom wetwalls.

Hearing: The named defendants filed in motions to dismiss for lack of jurisdiction because the awarding authority is not a state agency under M.G.L. c.7, §39A. A hearing on those motions was held on December 13, 1985.

Status: On January 22, 1986, a written decision allowing the motions to dismiss and dismissing the claim was issued.

Capital Construction Cases

Status Report - 1986

Appeals Opened

1. Docket No. CP-86-9286
   Appellant: Sciaba Construction
   Project: GS 80-9, Contract #1B, change order number 74, Saltonstall Building
   Claim: $1,432.55 Repairs to overhead door and ceiling after alterations to second floor

2. Docket No. CP-86-9313
   Appellant: Alfred Calcagni and Son, Inc.
   Project: M 81-14 Contract #1
   Dever State School, Taunton
   Claim: $24,329.00 For extended overhead costs

3. Docket No. CP-86-9351
   Appellant: Wexler Construction
   Project: 82-1 Contract #1, change order number 22, Walter E. Fernald School
   Claim: Information not available

4. Docket No. CP-86-9352
   Appellant: Wexler Construction
   Project: 82-1 Contract #1, change order number 50, Walter E. Fernald School
   Claim: Information not available

5. Docket No. CP-86-9396
   Appellant: Hunt Construction
   Project: M 84-13 Contract #2, change order number 3, Intermediate Care Facility - North Reading
   Claim: $8,182.42 For extension of water main

6. Docket No. CP-86-9425
   Appellant: Supco , Inc. (sub of Concrete Construction Company, Inc.)
   Project: State Biologic Lab., Mass. State Project #H 80-1 Contract #1
   Claim: $7,320.00

7. Docket No. CP-86-9503
   Appellant: Concrete Construction, Inc.
   Project: M 78-14 Contract #1, change order numbers 3 and 6, renovations, Taunton State Hospital
   Claim: $8,100.56 Additional compensation for concrete anchor and cutting door frames

8. Docket No. CP-86-9525
   Appellant: Saturn Construction
   Project: Project number EJ-71-2 Contract #4, change order number number 1, Roxbury Community College
   Claim: 30 day extension of time and unit prices

9. Docket No. CP-86-9526
   Appellant: New England Construction Management
   Project: Project P80-7, Contract #1, change order number 36, new visitors center, kitchen, MCI Norfolk
   Claim: Extension of time

10. Docket No. CP-86-9527
    Appellant: R.W. Granger & Sons, Inc.
    Project: GA 78-1 Contract #1, change order number 220, Archives Center
    Claim: $5,301.29 Differential settlement allowance

11. Docket No. CP-86-9557
    Appellant: Sciaba Construction
    Project: M 84-15 Contract #4, change order number 2, Paul Dever School, Taunton
    Claim: $426.00, Three day extension

12. Docket No. CP-86-9604
    Appellant: Sciaba Construction
    Project: M 81-5, Contract #4, change order Walter E. Fernald School
    Claim: $2,030.63 For addition 106 feet of pipe

13. Docket No. CP-86-9650
    Appellant: Sciaba Construction
    Project: M 81-5, Contract #4, change order Walter E. Fernald School
    Claim: Allowance for repair of broken sprinkler heads.

14. Docket No. CP-86-9659
    Appellant: Sciaba Construction
    Project: M 81-2 Contract #1, change order number 74, improvements at MCI Walpole
    Claim: Information not available

15. Docket No. CP-86-9711
    Appellant: Concrete Construction, Inc.
    Project: Project Y77-1 #1 John J. Connelly Youth Center, change order number 42
    Claim: $125,861.00 In extra costs due to delays

16. Docket No. CP-86-9753
Appellant: Concrete Construction, Inc.
Project: M 79-17 Contract #12, change order number 26,
Walter Fernald School, Waltham
Claim: Additional compensation for ledge removal

17. Docket No. CP-86-9760
Appellant: Sciaba Construction
Project: M 81-5, Contract #4, change order number 35,
Walter E. Fernald School
Claim: $7,273.02 For drywall repair

18. Docket No. CP-86-9761
Appellant: Pascucci Brothers
Project: M 78-20 Contract #2, renovations,
Walter Fernald School, Waltham
Claim: $23,030 For additional work performed

19. Docket No. CP-86-9762
Appellant: Concrete Construction, Inc.
Project: M 81-8 Contract #15, change order number 4,
Intermediate Care Facility, Wellesley
Claim: Information not available

20. Docket No. CP-86-9772
Appellant: Sciaba Construction
Project: M 84-14 Contract #4, change order number 6,
Paul Dever School, Taunton
Claim: $18,492.00 For additional materials

21. Docket No. CP-86-9779
Appellant: Concrete Construction, Inc.
Project: M 81-8 Contract #15, change order number 2,
Intermediate Care Facility, Wellesley
Claim: Information not available

22. Docket No. CP-86-9877
Appellant: Pascucci Brothers
Project: M 78-20, Contract #2,
Walter E. Fernald School
Claim: $6,293.91 For additional work to floors and baseboards

23. Docket No. CP-86-9879
Appellant: P.J. Watters Construction
Project: M 84-13, Contract #6, change order number 19,
Intermediate Care Facility, Pittsfield
Claim: $307.81 For removal of plywood baseboard

24. Docket No. CP-86-9880
Appellant: P.J. Watters Construction
Project: M 84-13, Contract #6, change order number 19,
Intermediate Care Facility, Pittsfield
Claim: $1,827.00 For additional excavation

25. Docket No. CP-86-9881
Appellant: P.J. Watters Construction
Project: M 84-13 Contract #6, change order number 4,
Intermediate Care Facility, Pittsfield
Claim: $1,731.26 For additional excavation

26. Docket No. CP-86-9901
Appellant: R.W. Granger & Sons, Inc.
Project: GA 78-1 Contract #1, change order number 179,
Archives Center
Claim: $4,219.30 For additional duct work insulation

27. Docket No. CP-86-9913
Appellant: J. Slotnik Company
Project: M 84-25, Contract #1, change order number 7,
Wrentham State School
Claim: Six week extension of time

28. Docket No. CP-86-9927
Appellant: Pasco Construction
Project: M 81-2 Contract #1B, change order number 9,
Cushing Hospital, Framingham
Claim: $13,738.82 For payment of lumber

29. Docket No. CP-86-9931
Appellant R.W. Granger & Sons, Inc.
Project: G.A. 78-1 Contract #1, change order number A 297,
Archives Center
Claim: $1,884.51 For wiring sand filters

30. Docket No. CP-86-9936
Appellant: Aliberti Brothers, Inc.
Project: A 82-3 Contract #5, change orders numbers 4 and 5, renovations
to Dorchester and Natick armories
Claim: $4,950.00 In liquidated damages

31. Docket No. CP-86-9957
Appellant: Sterling Engineering
Project: EJ 84-14 Contract #1,
Bristol Community College, Fall River
Claim: Information not available

32. Docket No. CP-86-9966
Appellant: R.W. Granger & Sons, Inc.
Project: GA 78-1 Contract #1, change order number 245, Archives Center
Claim: $3,182.32 For replacing two 8" sanitary check valves with 8" backflow preventers

33. Docket No. CP-86-9967
Appellant: Fontaine Brothers
Project: EJ 97-3 Contract #22, change order number 19, Service Building, Springfield Community College
Claim: $2,848 for welding slotted holes for relieving angles

34. Docket No. CP-86-9983
Appellant: Hunt Construction
Project: M 84-13 Contract #2, change order number 2, Intermediate Care Facility, North Reading
Claim: Time extension of approximately 3 weeks

35. Docket No. CP-86-9984
Appellant: R. W. Granger & Sons, Inc.
Project: GA 78-1 Contract #1, change order number 222 Archives Center
Claim: $826.20 For relocation of 2½" sprinkler main

36. Docket No. CP-86-9990
Appellant: R.W. Granger & Sons, Inc.
Project: GA 78-1 Contract #1, change order number 232, Archives Center
Claim: $573.94 For addition of epoxy cove base

Capital Construction Cases

Status Report - 1986

Closed Cases

1. Docket No. CP-86-7904
   Appellant: The Chappy Corporation
   Project: P 74-6, Contract #6, change order number 2,
   MCI Concord
   Claim: $20,637.77 For differing site conditions
   Decision: Dismissed for failure to prosecute

2. Docket No. CP-86-8564
   Appellant: Peabody Construction Company
   Project: CHE -75-1 Contract #1
   Claim: See 1985 Status Reports Closed Cases No. 1
   Decision: D.C.P.O.'s decision affirmed

3. Docket No. CP-86-8498
   Appellant: Gaffny Corporation
   Project: 582-1008-CIA,
   Nut Island Wastewater Treatment Plant
   Claim: $83,645.19 For differing site conductor
   Decision: Dismissed

4. Docket No. CP-86-8825
   Appellant: McCarthy Mechanical (TLT Construction Corp.)
   Project: CES 82-2, Contract #2, change order 1-S
   Lawrence Jail and House of Correction
   Claim: Appeal of D.C.P.O.'s deduction of $5,723.00 from Contract price
   Decision: Deduction reduced to $778.00

5. Docket No. CP-86-8906
   Appellant: McCarthy Mechanical(Alar Corp.)
   Project: P81-3, Contract No. 5, change order 10-13
   MCI Concord
   Claim: Appeal from D.C.P.O.'s allowance of $400.82 and 1 day extension
   of requested $6,172.14 and 6 days
   Decision: Allowed in the amount of $5,553.78

6. Docket No. CP-86-9007
   Appellant: Pascucci Construction
   Project: M 78-20, Contract #2, change order number 10.64,
   Walter E. Fernald School
   Claim: $21,975.00
   Decision: D.C.P.O.'s denial affirmed

7. Docket No. CP-86-9057
Appellant: Sciaba Construction
Project: See 1985 Status Reports Closed Cases No. 10
Claim:
Decision: Dismissed

8. Docket No. CP-86-9119
Appellant: Trust-Construction Corporation
Project: M 81-14, Contract #3, change order number 32, Wrentham State School
Claim: Reduction of three days appealed
Decision: Dismissed as reported settled by the parties

9. Docket No. CP-86-9121
Appellant: Gaffny Corporation
Project: E 79-2 Contract No. 1
Claim: See 1985 Status Reports Closed Cases No. 11
Decision: Dismissed, incorporated to/Docket No. CP-86-8065

10. Docket No. CP-86-9187
Appellant: Turner Brothers Construction
Project: State Aided Project 667-4/705-2
Claim: See 1985 Status Reports Closed Cases No. 12
Decision: Dismissed for lack of jurisdiction

11. Docket No. CP-86-9193
Appellant: New England Construction & Management Inc.
Project: M 81-4, Contract Numbers 5 and 6, change order numbers 3A, 34 and 45
Claims: Construction conditions (ledge), waterproofing and hardware
Decision: Dismissed as suit filed in Superior Court

12. Docket No. CP-86-9224
Appellant: Sciaba Construction
Project: 81-2 Contract #1, change order number 35, MCI Cedar Junction
Claim: Information unavailable
Decision: Withdrawn

13. Docket No. CP-86-9226
Appellant: R.W. Granger & Sons, Inc.
Project: GA 78, Contract #1, change order number 88, Archives Center
Claim: Insullating ductwork, $5,352.00
Decision: DCPO's denial of change order affirmed

14. Docket No. CP-86-9249
Appellant: Wexler Construction
Project: 82-1, Contract 1, change order numbers 18 and 19, Walter E. Fernald School
Claim: Information not available
Decision: Dismissed as suit filed in Superior Court

15. Docket No. CP-86-9286
Appellant: Sciaba Construction
Project: GS 80-9, Contract #1B, change order number 74, Saltonstall Building
Claim: $1,432.55 For repairs
Decision: D.C.P.O. denial affirmed

16. Docket No. CP-86-9351
Appellant: Wexler Construction
Project: 82-1 Contract #1, change order number 22, Walter E. Fernald School
Claim: Information not available
Decision: Dismissed

17. Docket No. CP-86-9352
Appellant: Wexler Construction
Project: 82-1 Contract #1, change order number 50, Walter E. Fernald School
Claim: Information not available
Decision: Dismissed

18. Docket No. CP-86-9425
Appellant: Dupco, Inc. (sub of Concrete Construction Company, Inc.)
Project: State Biologic Lab., Mass. State Project #H-80-1, Contract number 1
Claim: $7,320
Decision: Dismissed as reported settled by the parties

19. Docket No. CP-86-9526
Appellant: New England Construction Management
Project: Project P 80-7, Contract #1, change order number 36, MCI Norfolk
Claim: Extension of time
Decision: Withdrawn

20. Docket No. CP-86-9557
Appellant: Sciaba Construction
Project: M 84-15 Contract #4, change order number 2, Paul Dever School, Taunton
Claim: $426.00 Three day extension
Decision: Dismissed as D.C.P.O. did not assess liquidated damages

Capital Construction Cases

Status Report - 1987

Appeals Opened

1. Docket No. CP-87-003
   Appellant: Saturn Construction
   Project: EJ 71-1 Contract #4, change order number 24,
   Roxbury Community College
   Claim: Unspecified extension of time and additional compensation
   for ledge removal.

2. Docket No. CP-87-004
   Appellant: Saturn Construction
   Project: EJ 71-2 Contract #4, change number 18,
   Roxbury Community College
   Claim: Unspecified extension of time and additional compensation
   for ledge removal.

3. Docket No. CP-87-013
   Appellant: Saturn Construction
   Project: EJ 71-2 Contract #4, change order number 23,
   Roxbury Community College
   Claim: $7,918.00 For removal of unscheduled personal property

4. Docket No. CP-87-014
   Appellant: Aquadro & Cerruti, Inc.
   Project: A 76-1 Contract #2, change number 16
   Claim: No information available

5. Docket No. CP-87-026
   Appellant: D. A. Sullivan & Son
   Project: EJ 82-2 Contract #1, change order number 6,
   Springfield Community College
   Claim: $2,182.34 Relocation of elevator equipment

6. Docket No. CP-87-025
   Appellant: Hunt Construction Company
   Project: M 84-15 Contract #2, change order number 2
   Intermediate Care Facility - Brockton
   Claim: $2,525.00

7. Docket No. CP-87-045
   Appellant: Sciaba Construction
   Project: M 84-14 Contract #4, change order number 11,
   Dever School - Taunton
   Claim: $1,952.36

8. Docket No. CP-87-077
   Appellant: Saturn Construction
   Project: EJ 71-2 Contract #4, change order number 22,
   Roxbury Community College
   Claim: $27,710.00 Removal of granite blocks from job site

9. Docket No. CP-87-078
   Appellant: Pascucci Construction
   Project: M 78-20 Contract #2, change order numbers 72 and 81
   95-107
   Walter Fernald School
   Claim: 9 change orders, amounts not specified

10. Docket No. CP-87-119
    Appellant: P. & H. General Contractors
    Project: M 81-8 Contract #13, change order number 7,
    Intermediate Care Facility - Tewksbury
    Claim: 75 day time extension

11. Docket No. CP-87-135
    Appellant: P. & H. General Contractors
    Project: M 81-8 Contract #12, change order number 9,
    Intermediate Care Facility - Danvers
    Claim: 65 day time extension

12. Docket No. CP-87-139
    Appellant: Logan Plastering
    Project: S 83-1 Contract #1, change order number 10,
    Police Station - Newbury
    Claim: $1,394.49 Additional cost of fuel tank

13. Docket No. CP-87-165
    Appellant: Hunt Construction
    Project: M 84-13 Contract #2, change order number 16,
    Intermediate Care Facility - North Reading
    Claim: $1,237.83 For relocation of sprinkler line

14. Docket No. CP-87-166
    Appellant: Hunt Construction
    Project: M 84-13 Contract #2, change order number 12,
    Intermediate Care Facility - North Reading
    Claim: Time extension to perform miscelaneous work

15. Docket No. CP-87-167
    Appellant: Hunt Construction
    Project: M 84-13 Contract #2, change order numbers 13, 14 and 15,
    Intermediate Care Facility - North Reading
    Claim: $7,274.42 For additional work performed

16. Docket No. CP-87-178
Appellant: Cuyahoga Wrecking Corporation
Project: M 84-20(D) Contract #1, change order number 2, Clough Building Demolition
Claim: $7,800.00 liquidated damages (extension of 45 days)

17. Docket No. CP-87-176
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 33, Roxbury Community College
Claim: Unspecified additional compensation for heating and protection of building

18. Docket No. CP-87-177
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 29 Roxbury Community College
Claim: $7,350.00 Payment to a subcontractor by DCPO

19. Docket No. CP-87-191
Appellant: South Shore Paving Corporation
Project: Armory Commission improvements - Camp Edwards
Claim: $334,993.00

20. Docket No. CP-87-372
Appellant: J. R. J. Construction
Project: M 79-17, change order numbers 119 and 121 Walter Fernald School
Claim: No information available

21. Docket No. CP-87-373
Appellant: Frost Construction
Project: E 74-9 Contract #2B, change order number 11, Salem State College
Claim: $2,424.88 For additional work on flooring

22. Docket No. CP-87-417
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 32, Roxbury Community College
Claim: $189.71

23. Docket No. CP-87-418
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 25, Roxbury Community College
Claim: Unspecified time extension

24. Docket No. CP-87-501
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 30,
Roxbury Community College
Claim: Time extension

25. Docket No. CP-87-658
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order numbers 24 and 23,
Wrentham State School Hospital Facility
Claim: $32,881.84 For miscellaneous plumbing changes

26. Docket No. CP-87-685
Appellant: Fontaine Brothers
Project: EJ 67-3 Contract #22, change order number 32,
Springfield Community College Science Building
Claim: $3,566.00 For additional piping

27. Docket No. CP-87-816
Appellant: J. F. White
Project: MDC 82-2 Contract #1
Tropical Forest Pavilion
Franklin Park Zoo
Claim: Unspecified amount for additional steel work

28. Docket No. CP-87-857
Appellant: R. W. Granger
Project: M 79-17 Contract #15A, change order numbers 71, 75 and 12,
Fernald Valley Brothers New Hall & Greenhouse
Claim: $19,666.83 - 3 change order

29. Docket No. CP-87-904
Appellant: R. W. Granger
Project: M 79-17 Contract 15A, change order number 72,
Fernald Valley Brothers New Hall & Greenhouse
Claim: $1,041.21 - 1 change order

30. Docket No. CP-87-909
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order number 61
Wrentham State School Hospital Facility
Claim: $3,423.67 Additional compensation for painting

31. Docket No. CP-87-974
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 65,
Roxbury Community College
Claim: Tee Lintel Brace - amount not specified

32. Docket No. CP-87-975
Appellant: Hunt Construction
Project: M 84-15 Contract #2, change order numbers 8 and 9,
Intermediate Care Facility - Brockton
Claim: $6,466.54 Permits for water connections
$6,817.89 Additional Insurance costs

33. Docket No. CP-87-992
Appellant: Logan Plastering
Project: S 83-1 Contract #1, change order numbers 24, 27 and 26
Project not specified
Claim: 3 change orders - amount of additions not specified

34. Docket No. CP-87-1002
Appellant: Pasco Construction
Project: M 81-2 M 84-14 ICF Lexington and roofing and structural
repairs,
Cushing Hospital, Framingham
Claim: $20,000.00 Set aside requirements

35. Docket No. CP-87-1009
Appellant: Aulson Roofing
Project: P 82-21 Contract #2, change order number 2,
MCI Framingham
Claim: $1,3000.00 For additional work

36. Docket No. CP-87-1020
Appellant: Fontaine Brothers
Project: EJ 67-3 Contract #22, change order number 48,
Springfield Community College
Claim: Rail modification on stairs, amount unspecified

37. Docket No. CP-87-1021
Appellant: Jefferson Construction
Project: M 78-20 Contract #3A
Walter Fernald State School- Waltham
Claim: $17,893.00 For floor work
$22,347.50 For floor work
$15.221.00 Asbestos removed

38. Docket No. CP-87-1029
Appellant: R. W. Granger
Project: M 79-17 Contract #15A, change order numbers 83 and 89,
Walter Fernald State School- Waltham
Claim: $26, 208.27 - 2 change orders

39. Docket No. CP-87-1065
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order numbers 6, 22 and 58, 49, 39 and 46
Claim: $27,903.78 - 6 change orders

40. Docket No. CP-87-1095
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order numbers 41, 44 and 30, Roxbury Community College
Claim: Additional days for ledge removal

41. Docket No. CP-87-1094
Appellant: D. A. Sullivan & Sons
Project: EJ 82-1 Contract #1, change order number 32, Springfield Community College
Claim: $1,349.87 For demolition of driveway

42. Docket No. CP-87-1109
Appellant: T. L. T. Construction
Project: CNO 78-2 Contract #2, change order number 1, Norfolk County Agricultural School
Claim: $7,475.00 For reimbursement of Edison charges

43. Docket No. CP-87-1125
Appellant: Soloco Engineering and Construction
Project: M 79-15 Contract #2, change order number 2, Westboro State Hospital
Claim: $7,604.30 For removal of underground conduct

Capital Construction Cases

Status Report - 1987

Closed Cases

1. Docket No. CP-8941
   Appellant: W. Fowler
   Project: M 81-7 Contract #4, change orders numbered 2 & 3, Intermediate Care Facility, Grafton
   Claim: Appellant requested a 95 day extension
   Decision: Appellant reserved a 40 day extension.

2. Docket No. CP-9659
   Appellant: Sciaba Construction
   Project: M 81-2 Contract #1 change order number 74, improvements at MCI Walpole
   Claim: Information not available
   Decision: Claim was withdrawn. Dismissed.

3. Docket No. CP-9762
   Appellant: Concrete Construction
   Project: M 81-8 Contract #15, change order numbered 4 Intermediate Care Facility, Wellesley
   Claim: Information not available
   Decision: Claim was withdrawn. Dismissed.

4. Docket No. CP-7409
   Appellant: J. H. Fellouris
   Project: M 48-81A, Fall River Heritage State Park
   Claim: Equitable adj. for unanticipated conditions and changed conditions
   Decision: Respondent's Motion to Dismiss Allowed.

5. Docket No. CP-7633
   Appellant: T. O'Connor Inc.
   Project: VA 76-2#4, change order number 5 Renovation and Improvements, Htg. Plant, University of Massachusetts, Amherst
   Claim: $84,861.48 additions
   Decision: Dismissed for lack of prosecution.

6. Docket No. CP-9396
   Appellant: Hunt Construction
   Project: M 84-13 Contract #2, change order number 3, Intermediate Care Facility - N. Reading
   Claim: $8,182.42 for extension of water main
   Decision: (Based on Stipulation) Dismissed.

7. Docket No. CP-9931
Appellant: Granger & Sons
Project: GA 78-1 Contract #1, change order number A 297, Archives Center
Claim: $1,884.51 For wiring sand filters
Decision: No Show, Dismissed.

8. Docket No. CP-9879
Appellant: P. J. Watters Construction
Project: M 84-13, Contract #6, change order number 19, Intermediate Care Facility - Pittsfield
Claim: $307.81 for removal of plywood baseboard
Decision: No Show, Dismissed.

9. Docket No. CP-9880
Appellant: P. J. Watters Construction
Project: M 84-13 Contract #6, change order #4, Intermediate Care Facility - Pittsfield
Claim: $1,827.00 for additional excavation
Decision: No Show, Dismissed.

10. Docket No. CP-9881
Appellant: P. J. Watters Construction
Project: M 84-13 Contract #6, change #12, Intermediate Care Facility - Pittsfield
Claim: $1,731.26 for additional excavations
Decision: No Show, Dismissed.

11. Docket No. CP-87-014
Appellant: Aquadro & Cerruti, Inc.
Project: A 76-1 Contract #2, change order number 16
Claim: No information available
Decision: Withdrawn.

12. Docket No. CP-8638
Appellant: Sterling Engineering
Project: B.A.T. Bus Maintenance Garage
Claim: $72,311.00 for extras and liquidated damages
Decision: $19,424.00 for extras and liquidated damages.

13. Docket No. CP-9901
Appellant: R. W. Granger
Project: GA 78-1 Contract #1, change order 179, Archives Center
Claim: $4,219.30 for additional ductwork insulation
Decision: DCPO denial affirmed.

14. Docket No. CP-87-178
Appellant: Cuyahoga Wrecking
Project: M 84-20(D) Contract #1, change order number 2, Clough Building Demolitions
Claim: $7,800 liquidated damages (extended completion date 45 days)
Decision: Dismissed as moot based on DCPO 4-21-87 change order approval.

15. Docket No. CP-9527
Appellant: R. W. Granger
Project: GA 78-1 Contract #1, change order number 220 Archives Center
Claim: $5,301.29 differential settlement allowances
Decision: Claim awarded.

16. Docket No. CP-7512
Appellant: Crowley Corporation
Project: RMV 78-1 Contract #1, change order number 13, Registry Building - Worcester
Claim: Additional compensation for lintels, amount not specified
Decision: Dismissed for No Show, lack of prosecution.

17. Docket No. CP-7705
Appellant: Crowley Corporation
Project: RMV 78-1 Contract #1, change order numbers 32 and 44, Registry Building - Worcester
Claim: Additional compensation for unspecified work
Decision: Dismissal for No Show, lack of prosecution.

18. Docket No. CP-87-026
Appellant: D. A. Sullivan & Sons
Project: EJ 82-2 Contract #1, change order #6, Springfield C. C.
Claim: Relocation of Elevator Equipment - $2,182.34
Decision: Withdrawn.

19. Docket No. CP-9990
Appellant: R. W. Granger
Project: GA 78-1 Contract #1, change order number 232, Archives Center
Claim: Compensation for addition of epoxy cove base $573.94
Decision: Dismissed for lack of prosecution.

20. Docket No. CP-9503
Appellant: Concrete Construction
Project: M 78-14 Contract #1, change order numbers 3 and 6, renovation, Taunton State Hospital
Claim: $8,100.56 additional compensation for concrete anchor and cutting door frames
Decision: DCPO denial affirmed on change order number 6; change order number 3 dismissed.

21. Docket No. CP-9753
Appellant: Concrete Construction
Project: M 79-17 Contract # 12, change order number 26, Walter Fernald School - Waltham
Claim: Additional compensation for ledge removal
Decision: Withdrawn .

22. Docket No. CP-9779
Appellant: Concrete Construction
Project: M 81-8 Contrate # 15, change order number 2, Intermediate Care Facility - Wellesley
Claim: Information not available
Decision: Withdrawn .

23. Docket No. CP-87-045
Appellant: Sciaba Construction
Project: M 84-14 Contract #4, change order number 11, Dever SC. Taunton
Claim: $1,952.36
Decision: Withdrawn .

24. Docket No. CP-87-025
Appellant: Hunt Construction
Project: M 84-15 Contract #2, change order number 2, ICF Brockton
Claim: $2,525.00
Decision: Withdrawn .

25. Docket No. CP-9313
Appellant: Alfred Calcagni
Project: M 81-14 Contract #1, Dever SC. Taunton
Claim: $24,329.00 For extended overhead.
Decision: DCPO denial affirmed .

26. Docket No. CP-9957
Appellant: Sterling Engineering
Project: EJ 84-14 Contract #1, Bristol C.C. Fall River
Claim: Information not available
Decision: Dismissed for Lack of Prosecution.

27. Docket No. CP-9927
Appellant: Pasco Construction
Project: M 81-2 Contract # 1B, change order number 9, Cushing Hospital, Framingham
Claim: $13,738.82 for payment of lumber
Decision: DCPO denial affirmed.

28. Docket No. CP-9967
Appellant: Fontaine Brothers
Project: EJ 97-3 Contract #22, change order number 19, Service Building, Springfield C.C.
Claim: $2,848 For welding slotted holes for relieving angles.
Decision: Claim awarded.

29. Docket No. CP-87-417
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 32, Roxbury C.C.
Claim: $189.71
Decision: Dismissed as moot DCPO approved amended change order.

30. Docket No. CP-87-119
Appellant: P. & H. General Contractors
Project: M 81-8 Contract #13, change order number 7, Intermediate Care Facility - Tewksbury
Claim: 75 days time extension
Decision: DCPO denial affirmed.

31. Docket No. CP-87-135
Appellant: P. & H. General Contractors
Project: M 81-8 Contract #12, change order number 9, Intermediate Care Facility - Danvers
Claim: 65 days time extension
Decision: DCPO denial affirmed.

32. Docket No. CP-87-428
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 25, Roxbury C.C.
Claim: Unspecified time extension
Decision: Withdrawn .

33. Docket No. CP-7608
Appellant: Crowley Corporation
Project: RMV 78-1 Contract #1, change order number 13, Registry Building-Worcester
Claim: $8,359.17 changes in work
Decision: DCPO Motion for Summary Decision Allowed.

34. Docket No. CP-9983
Appellant: Hunt Construction
Project: M 84-13 Contract #2, change order number 22, Intermediate Care Facility - North Reading
Claim: Time extension of approximately 3 weeks
Decision: DCPO denial affirmed .

35. Docket No. CP-87-165
Appellant: Hunt Construction
Project: M 84-13 Contract #2, change order number 16, Intermediate Care Facility - North Reading
Claim: $1,237.83 for relocation of sprinkler line
Decision: DCPO denial affirmed .

36. Docket No. CP-87-166
Appellant: Hunt Construction
Project: M 84-13 Contract #2, change order number 12, Intermediate Care Facility - North Reading
Claim: Time extension to perform miscelaneous work
Decision: DCPO denial affirmed.

37. Docket No. CP-87-167
Appellant: Hunt Construction
Project: M 84-13 Contract #2, change order numbers 13, 14 and 15, Intermediate Care Facility - North Reading
Claim: $7,724.42 for additional work performed
Decision: DCPO denial affirmed.

38. Docket No. CP-87-013
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change number 23, Roxbury C.C.
Claim: $7,918.00 for removal of unscheduled personal property
Decision: DCPO denial affirmed .

39. Docket No. CP-87-139
Appellant: Logan Plastering
Project: S 83-1 Contract #1, change order number 10, Police Station, Newbury
Claim: $1,394.49 additional cost of fuel tank
Decision: Withdrawn based on settlement adjustment.

40. Docket No. CP-87-191
Appellant: South Shore Paving
Project: Armory Commission, improvements, Camp Edwards
Claim: $334.993
Decision: Dismissed based on stipulation.

41. Docket No. CP-87-077
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 22, Roxbury C.C.
Claim: $27,710.00 Removal of granite blocks from job site
Decision: DCPO denial affirmed.

42. Docket No. CP-9761
Appellant: Pascucci Brothers
Project: M 78-20 Contract #2, renovations - Fernald School
Claim: $23,030 for additional work performed
Decision: DCPO denial affirmed.

43. Docket No. CP-9936
Appellant: Aliberti Brothers Inc.
Project: A 82-3 Contract #5, change order numbers 5 and 4, renovations to Dorchester and Natick Armories
Claim: $4,950.00 in liquidated damages
Decision: DCPO denial affirmed.

44. Docket No. CP-9772
Appellant: Sciaba Construction
Project: M 84-14 Contract #4, change order number 6, P.Dever School - Taunton
Claim: $18,492.00 for additional materials
Decision: DCPO denial affirmed.

45. CP-87-177
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 29, Roxbury C.C.
Claim: $7,350.00 payment to a sub-contractor by DCPO
Decision: DCPO Motion to Dismiss Allowed.

Capital Construction Cases

Status Report - 1988

Appeals Opened

1. Docket No. CP-88-030
   Appellant: Saturn Construction
   Project: EJ 71-2 Contract #4, change order number 72
   Roxbury Community College
   Claim: Time and materials for rock removal.

2. Docket No. CP-88-031
   Appellant: D. Clancy & Sons
   Project: DEP-86-30B Contract #1 change order number 1, 2 and 3
   Asbestos removal and abatement at various state facilities
   Claim: $19,091.29 total of 3 change orders.

3. Docket No. CP-88-075
   Appellant: Jefferson Construction
   Project: M 78-20 Contract #3A
   Walter E. Fernald School
   Claim: $122,155.25 unanticipated overhead expenses.

4. Docket No. CP-88-100
   Appellant: Soloco Engineering & Contractors
   Project: M 79-15 Contract #2, change order number 3
   Westboro State Hospital Power Plant
   Claim: $1335.00 for trenching, backfill, paving etc.

5. Docket No. CP-88-259
   Appellant: Saturn Construction
   Project: EJ 71-2 Contract #4, change order number 117
   Roxbury Community College
   Claim: Labor and materials - wet seal and toe bead.

6. Docket No. CP-88-267
   Appellant: R. W. Granger
   Project: M 79-17 Contract #15A, change order numbers 89-77
   Walter E. Fernald School
   Claim: $786.23 time and materials compensation.

7. Docket No. CP-88-268
   Appellant: R. W. Granger
   Project: CNO 83-3 Contract #1, change order number 28
   Norfolk County Jail
   Claim: $1103.82 for sub contractors installation of extra steam loops.

8. Docket No. CP-88-314
Appellant: Fellsway Inc.
Project: E 84-10 Contract #213, change order number 5
Improvements to Salem State College
Claim: Subcontractors request for time extension.

9. Docket No. CP-88-342
Appellant: J. Slatnik Company
Project: M 84-25 Contract #1
Hospital facility, Wrentham State School
Claim: $85,000 DCPO Liquidated Damages.

10. Docket No. CP-88-347
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order number 56-63
Hospital facility, Wrentham State School
Claim: Information not available.

11. Docket No. CP-88-601
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 145
Roxbury Community College
Claim: Information not available.

12. Docket No. CP-88-649
Appellant: R. W. Granger & Son Incorporated
Project: Mass. State Project No. CNO 83-3 #1
Pensions to Norfolk County Jail and House of Correction,
change order numbers 59, 23, 57, 23, 58
Claim: C.O. #59 is for $29, 395.84 for supplying structural steel framing at the main cage.
C.O. #23 is for $21,664.00 for work related to the main cage counter.
C.O. #23 is for $22,826.20 for work performed on the North Wing plumbing chases.
C.O. #58 is for $1,580.17 for providing continuous welding at the Main Cage panels.

13. Docket No. CP-88-704
Appellant: R. W. Granger & Son Incorporated
Project: (as above), change order No. 56
Claim: $9,976.14 for "additional miscellaneous work at Main Cage."

14. Docket No. CP-88-695
Appellant: Sciaba Construction
Project: P 80-3 Contract #1, change order number 37-35
Middlesex County Courthouse
Claim: $3,977.39 DCPO credit for acoustical tile work deleted.

15. Docket No. CP-88-705
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1 change order number 124, 125 and 128
Hospital Facility, Wrentham State School
Claim: C.O. #128 sub contractors plumbing work done under protest.
C.O. #124 and 125 #2669 installation of wall covering.

16. Docket No. CP-88-706
Appellant: Emerson Contractors Incorporated
Project: CBE 84-1 Contract #1 change order numbers 29 and 35
Berkshire County House of Correction
Claim: C.O. #29 bolting work detention equipment - $13,795.12.
C.O. #35 bolting work Main Cell Block - $48,296.43.

17. Docket No. CP-88-712
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1 change order numbers 110 and 111
Hospital Facility, Wrentham State School
Claim: C.O. #110 $610.16 flour box installation.
C.O. #111 time and materials for wiring of equipment.

18. Docket No. CP-88-800
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1 change order number 122
Hospital Facility, Wrentham State Hospital
Claim: Finishing and installing dishwasher exhaust hood. Amount not specified.

19. Docket No. CP-88-555
Appellant: J.F. White
Project: MOC 82-2 Contract #1
Tropical Forest Pavilion, Franklin Park Zoo
Claim: Determination of stockpile landscaping to be performed.

20. Docket No. CP-88-839
Appellant: R. W. Granger
Project: CNO 83-3 Contract #1 change order number 63-60
Norfolk County Jail
Claim: 45 day time extension.

21. Docket No. CP-88-860
Appellant: R. W. Granger
Project: CNO 83-3 Contract #1 change order numbers 21, 41, 64 and 67
Norfolk County Jail
Claim: C.O. #21-41 10 day time extension.
C.O. #64-67 3 day time extension.

22. Docket No. CP-88-879
Appellant: R. W. Granger
Project: M 79-17 Contract #15A change order number 90-81
Fernald State School
Claim: $6,234.39

23. Docket No. CP-88-991
Appellant: Sciaba Construction Corp.
Project: MA State Project P 80-3, Contract #1, change order #42,
Fire Detection and Suppression Systems,
Middlesex County Court House
Claim: $8,449.84 for additional piping.

Capital Construction Cases

Status Report - 1988

Closed Cases

1. Docket No. CP-9966
   Appellant: R. W. Granger
   Project: GA 78-1 Contract #1 change order number 215
   State Archives and Record Center, Boston
   Claim: $3,124.04 for replacing sanitary check valves
   Decision: DCPO denial affirmed.

2. Docket No. CP-9984
   Appellant: R. W. Granger
   Project: GA 78-1 Contract #1 change order number 222
   State Archives and Record Center, Boston
   Claim: $826.20 for relocation of 2½" sprinkler main
   Decision: Claim allowed.

3. Docket No. CP-9772
   Appellant: Sciaba Construction
   Project: 84-14 Contract #4, change order number 6
   Alternate Model Residence, Paul A. Dever State School
   Claim: $18,492.00 for landscaping loam
   Decision: DCPO denial affirmed.

4. Docket No. CP-87-177
   Appellant: Saturn Construction
   Project: EJ 71-2 Contract #4, change order number 29
   Roxbury Community College
   Claim: $7,350.00 payment to a subcontractor by DCPO
   Decision: DCPO Motion To Dismiss Allowed.

5. Docket No. CP-87-1009
   Appellant: Aulson Roofing
   Project: P 82-21 Contract #2, change order number 2
   MCI Framingham
   Claim: $1300.00 for additional painting work
   Decision: Dismissed for lack of prosecution.

6. Docket No. CP-9604
   Appellant: Sciaba Construction
   Project: M 81-5, Contract #4
   Walter E. Fernald School
   Claim: $2,030.63 for additional drainage pipe
   Decision: Claim Allowed.

7. Docket No. CP-9650
Appellant: Sciaba Construction
Project: M 81-5 Contract #4
Walter E. Fernald School
Claim: Unspecified amount for replacement of sprinkler head
Decision: DCPO denial affirmed.

8. Docket No. CP-9760
Appellant: Sciaba Construction
Project: M 81-5 Contract #4 change order number 35
Walter E. Fernald School
Claim: $7,273.02 for drywall repair
Decision: Claim allowed:

9. Docket No. CP-7633
Appellant: Thomas O'Connor
Project: VA 76-2 Contract #4 change order number 5
Improvements to Cool Fuel Plants, U. Mass. Amherst
Claim: $25,474.64 for extra work and delay costs
Decision: $4,673.64 for extra work allowed. DCPO denial of $20,801.00 for delay costs affirmed.

10. Docket No. CP-87-685
Appellant: Fontaine Brothers
Project: EJ 67-3 Contract #22, change order number 32,
Springfield Community College Science Building
Claim: $3,566.00 for additional piping
Decision: Claim allowed.

11. Docket No. CP-87-816
Appellant: J. F. White
Project: MDC 82-2 Contract #1
Tropical Forest Pavilion, Franklin Park Zoo
Claim: Unspecified amount for additional steel work
Decision: DCPO denial affirmed.

12. Docket No. CP-9711
Appellant: Concrete Construction
Project: Y 77-1 Contract #1 change order number 42
J. J. Connolly Youth Center, Roslindale
Claim: $125,681 extra costs incurred due to schedule changes
Decision: Claim was withdrawn - Dismissed.

13. Docket No. CP-9525
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4 change order number 1
Roxbury Community College
Claim: Time extensions for ledge removal. Compensation for winter heat and protection, 1985 - 1986.
Decision: Appellant allowed 15 days time extension for academic building only. DCPO denial if compensation for winter heat and protection affirmed.

14. Docket No. CP-87-372
Appellant: J. R. J. Construction
Project: M 79-17 change order numbers 119 and 121
Walter Fernald School
Claim: Information not available
Decision: Claim was withdrawn - Dismissed.

15. Docket No. CP-87-078
Appellant: Pascucci Brothers
Project: M 78-20 Contract #2, change order numbers 72, 81, 95 and 107
Walter Fernald School
Claim: 9 change orders, amounts not specified
Decision: Dismissed for lack of jurisdiction.

16. Docket No. CP-87-003
Appellant: Saturn Construction
Project: EJ 71-1 Contract #4, change order number 24,
Roxbury Community College
Claim: Unspecified extension of time and additional compensation for ledge remand - Academic Building
Decision: 15 day time extension allowed.

17. Docket No. CP-87-004
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 18,
Roxbury Community College
Claim: Unspecified extension of time and additional compensation for ledge removal.
Decision: DCPO denial affirmed.

18. Docket No. CP-87-176
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 33,
Roxbury Community College
Claim: Unspecified additional compensation for heating and protection of building.
Decision: DCPO denial affirmed.

19. Docket No. CP-87-501
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 30,
Roxbury Community College
Claim: Time extension
Decision: DCPO denial affirmed.

20. Docket No. CP-88-075
Appellant: Jefferson Construction
Project: M 78-20 Contract #3A
Walter E. Fernald School
Claim: $122,155.25 unanticipated overhead expenses
Decision: Dismissed with prejudice.

21. Docket No. CP-87-1094
Appellant: D. A. Sullivan & Sons
Project: EJ 82-1 Contract #1, change order number 32,
Springfield Community College
Claim: $1,349.87 for demolition of driveway
Decision: Appellant allowed $886.66 plus overhead and profit,
insurance on labor and bond expenses.

22. Docket No. CP-87-992
Appellant: Logan Plastering
Project: S 83-1 Contract #1, change order numbers 24, 27 and 26,
State Police Station, Newbury, Mass.
Claim: 3 change orders - amount of additions not specified
Decision: Dismissed based on settlement by parties.

23. Docket No. CP-87-658
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order numbers 24 and 23,
Wrentham State School Hospital Facility
Claim: Additional compensation for miscellaneous plumbing changes
Decision: DCPO denial affirmed

24. Docket No. CP-87-816
Appellant: J. F. White
Project: MDC 82-2 Contract #1
Tropical Forest Pavilion, Franklin Park Zoo
Claim: Unspecified amount for additional steel work
Decision: DCPO denial affirmed.

25. Docket No. CP-87-1125
Appellant: Soloco Engineering and Construction
Project: M 79-15 Contract #2, change order number 2,
Westboro State Hospital Power Plant
Claim: $7,604.30 for remand of asbestos
Decision: Settlement agreement - $5,500.00 to Soloco.

26. Docket No. CP-88-100
Appellant: Soloco Engineering and Construction
Project: M 79-15 Contract #2, change order number 2,
Westboro State Hospital Power Plant
Claim: $1,335.00 for trenching, backfill, paving etc.
Decision: Settlement Agreement - DCPO credit for labor and materials
not supplied

27. Docket No. CP-8988
Appellant: Sciaba Construction
Project: GS 80-9 Contract #1B, change order number 67
Alterations Saltonstall Building, Boston
Claim: $5,391.48 additional for baseboard heating ductwork not
commercially available.
Decision: $966.68 allowed.

28. Docket No. CP-8824
Appellant: Sciaba Construction
Project: GS 80-9 Contract #1B, change order numbers 65, 66 and 68
Alterations Saltonstall Building, Boston
Claim: $10,182.84 for replacement of damaged coil
Decision: DCPO denial affirmed.

29. Docket No. CP-8987
Appellant: Sciaba Construction
Project: GS 80-9 Contract #1B, change order number 69
Alterations Saltonstall Building, Boston
Claim: Unspecified amount for damaged coil replacement
Decision: Claim was withdrawn - Dismissed.

30. Docket No. CP-88-342
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1
Hospital facility, Wrentham State School
Claim: $85,000 DCPO Liquidated Damages
Decision: Claim was withdrawn - Dismissed.

31. Docket No. CP-88-347
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order numbers 56-63
Hospital facility, Wrentham State School
Claim: Information not available
Decision: Claim was withdrawn - Dismissed.

32. Docket No. CP-9913
Appellant: J. Slotnik Company
Project: M 84-25 Contract #1, change order number 7
Wrentham State School Hospital Facility
Claim: 6 weeks time extension
Decision: Withdrawn as settled.

33. Docket No. CP-87-1021
Appellant: Jefferson Construction
Project: M 78-20 Contract #3A
Walter Fernald State School
Claim: $17,893.00 for floor work
$22,347.50 for floor work
$15,221.00 for asbestos removed
Decision: Settlement Agreement of $16,000.00 to Appellant - Dismissed.

34. Docket No. CP-87-373
Appellant: Frost Construction
Project: E 74-9 Contract #2B, change order number 11
Salem State College
Claim: $2,424.88 for additional work on flooring
Decision: Settlement agreement - Dismissed.

35. Docket No. CP-87-857
Appellant: R. W. Granger
Project: M 79-17 Contract #15A, change order numbers 71, 75 and 12
Walter E. Fernald School
Claim: $19,666.83 - 3 change orders
Decision: DCPO denial affirmed.

36. Docket No. CP-87-904
Appellant: R. W. Granger
Project: M 79-17 Contract #15A, change order number 72,
Walter E. Fernald School
Claim: $1,041.21 - change order
Decision: Dismissed as consolidated with CP-87-857

37. Docket No. CP-87-1029
Appellant: R. W. Granger
Project: M 79-17 Contract #15A, change order numbers 83 and 89
Walter E. Fernald School
Claim: $26,208.27 - 2 change orders
Decision: Dismissed for lack of jurisdiction.

38. Docket No. CP-87-975
Appellant: Hunt Construction
Project: M 84-15 Contract #2, change order number 8 and 9,
Intermediate Care Facility - Brockton
Claim: $6,466.54 permits for water connections
$6,817.89 additional insurance costs
Decision: Claim was withdrawn - Dismissed.

39. Docket No. CP-87-1109
Appellant: T. L. T. Construction
Project: CNO 78-2 Contract #2, change order number 1
Norfolk County Agricultural School
Claim: $7,475.00 for reimbursement of Edison charges
Decision: Dismissed for lack of prosecution.

40. Docket No. CP-88-267
Appellant: R. W. Granger
Project: M 79-17 Contract #15A, change order numbers 89 and 77
Walter E. Fernald School
Claim: $786.23 time and materials compensation
Decision: Claim was withdrawn - Dismissed.

41. Docket No. CP-88-601
Appellant: Saturn Construction
Project: EJ 71-2 Contract #4, change order number 145
Roxbury Comminity College
Claim: Information not available
Decision: Claim was withdrawn - Dismissed.

42. Docket No. CP-87-1002
Appellant: Pasco Construction
Project: M 81-2, M 84-14 Contract #1 and 1B
Cushing Hospital, Framingham
Claim: $20,000.00 set aside requirements
Decision: Sanction on Appellant reduced to $12,000.00.

43. Dockdt No. CP-88-268
Appellant: R. W. Granger
Project: CNO 83-3 Contract #1, change order number 28
Norfolk County Jail
Claim: $1,103.82 for sub contractors installation of extra steal loops
Decision: DCPO denial affirmed.

44. Docket No. CP-88-555
Appellant: J. F. White
Project: MDC 82-2 Contract #1
Tropical Forest Pavilion, Franklin Park Zoo
Claim: Determination of stockpile landscaping to be performed.
Decision: Appellant required to remove from stockpiles elevations in excess of drawings.

45. Docket No. CP-87-1065
Appellant: J. Slatnik Company
Project: M 84-25 Contract #1 change order numbers 6, 22, 58, 49, 39 and 46
Wrentham State School, Hospital Facility
Claim: Information not available
Decision: Dismissed for lack of jurisdiction.

MASS. J8.4:989

The Commonwealth of Massachusetts

Division of Administration Law Appeals

One Hundred Cambridge Street, Room 904

(617) 727-7060 Boston, Mass. 02202

January 16, 1990

Mr. L. Edward Lashman, Jr.
Secretary
Executive Office for Administration
and Finance
Room 373
State House
Boston, Massachusetts 02133

Dear Secretary Lashman:

In accordance with the requirements of M.G.L. c.30 §39Q attached hereto is a summary of the capital construction appeals opened and closed during the calendar year 1989.

The total number of appeals opened in 1989 was 34, while 30 appeals were closed.

Very truly yours,

Christopher F. Connolly
Chief Administrative Magistrate

CFC:lw
Enc.
cc: Gasper Caso

Capital Construction Cases

Status Report 1989

Cases Opened

1. Docket No. CP-89-005
   Appellant: Saturn Construction
   Project: CNO 78-2 Contract #2, Change Order 33
   Norfolk County Agricultural High School
   Claim: $1703.00 for installing fuel oil piping.

2. Docket No. CP-89-022
   Appellant: Sciaba Construction
   Project: P80-3 Contract #1, Change Order 11
   Middlesex County Courthouse
   Claim: $2212.57 for relocation of sprinkler piping.

3. Docket No. CP-89-032
   Appellant Eastern Contractors
   Project: E84-13 Contract #1, Change Order numbers 34,25,22,40,48,21,28,31,47 & 30.
   Fire Fighting Academy, Stow
   Claim: Time extensions.

4. Docket No. CP-89-042
   Appellant: Eastern Contractors
   Project: M80-8 Contract #1, Change Order 47
   Hogan Regional Center, Danvers
   Claim: Time extension.

5. Docket No. CP-89-043
   Appellant: Eastern Contractors
   Project: M80-8 Contract #1 Change Order numbers 51-35
   Hogan Regional Center, Danvers
   Claim: Liquidated Damages $76,500.00.

6. Docket No. CP-89-048
   Appellant: R.W. Granger
   Project: CNO83-3 Contract #1, Change Order 92
   Norfolk County Jail, Dedham
   Claim: $360.56 for ductwork inspection.

7. Docket No. CP-89-049
   Appellant: R.W. Granger
   Project: CNO83-3 Contract #1, Change Order 91
   Norfolk County Jail, Dedham
   Claim: $925.46 for reworking louvers.

8. Docket No. CP-89-054
   Appellant: Eastern Contractors
   Project: M80-8 Contract #1, Change Order 45
   Hogan Regional Center, Danvers
   Claim: Time extension.

9. Docket No. CP-89-072
   Appellant: Reliance Insurance
   Project: M79-17 Contract #3,16,18,21 & 7
   Walter E. Fernald State School
   Claim: Information not available

10. Docket No. CP-89-108
    Appellant: Saturn Construction
    Project: EJ71-2 Change Order 49-150
    Roxbury Community College
    Claim: $10,100.08 reinforcing steel work

11. Docket No. CP-89-116
    Appellant R.W. Granger
    Project: CNO83-3 Contract #1, Change Order numbers 72,73,74 & 75
    Norfolk County Jail, Dedham
    Claim: $13,989.02 for sheet metal work.

12. Docket No. CP-89-135
    Appellant: Eastern Contractors
    Project: P84-11 Contract #1, Change Order 19
    MCI Norfolk Recreation Building
    Claim: Time extension.

13. Docket No. CP-89-155
    Appellant: Eastern Contractors
    Project: E84-13 Contract #1, Change Order 50
    Fire Fighting Academy, Stow
    Claim: $2913.00 additional steel work.

14. Docket No. CP-89-157
    Appellant: Eastern Contractors
    Project: E84-13 Contract #1, Change Order 30
    Fire Fighting Academy, Stow
    Claim: $7004.25 Utility Company backcharges.

15. Docket No. CP-89-165
    Appellant: Eastern Contractors
    Project: P84-11 Contract #1, Change Order 17
    MCI Norfolk Recreation Building
    Claim: $4178.00 for grading and related drainage.

16. Docket No. CP-89-192
Appellant: T.L.T. Construction
Project: CNO78-2 Contract #2, PR #15
Norfolk County Agricultural High School
Claim: $2913.00 additional iron work.

17. Docket No. CP-89-406
Appellant: Eastern Contractors
P84-11 Contract #1, Change Order 32
MCI Norfolk Recreation Building
Claim: $16,741.00 bracing angles for masonry walls

18. Docket No. CP-89-542
Appellant: Acmat Corp.
Project: UA88-9 Contract #1, Change Order numbers 6, 7,8,9,11 & 14
Tobin Hall, U. Mass Amherst
Claim: $218,728.28 asbestos removal/abatement.

19. Docket No. CP-89-780
Appellant: R.W. Granger
Project: CNO83-3 Contract #1, Change Order numbers 110 & 112
Norfolk County Jail, Dedham
Claim: $3588.19 for replacement of flooring.

20. Docket No. CP-89-781
Appellant: Emerson
Project: EJ84-2 Contract #2, Change Order 10
Berkshire Community College, Pittsfield
Claim: Unspecified amount for installing locks.

21. Docket No. CP-89-819
Appellant: Acmat Corp.
Project: P86-20M Contract #1, Change Order numbers 14 & 23
North Central C.I. Gardner
Claim: $266,694 DCPO deduction for work not performed. Acmat claim for $50,639.50 for extra labor, asbestos removal and reinsulation.

22. Docket No. CP-89-858
Appellant: Logan Plastering
Project: M84-14 Contract #8, Change Order 8
ICF Grafton
Claim: $33,015.95 for additional septic system work.

23. Docket No. CP-89-859
Appellant: Logan Plastering
Project: S83-1 Contract #1, Change Order 46
Newbury State Police Station
Claim: Unspecified amount for removal of ledge.

24. Docket No. CP-89-884
Appellant: Perini Corp.
Project: G84-1 Contract #1, Change Order 178
State House Renovation
Claim: $154,045.49 charge for Derne Street electrical vault.

25. Docket No. CP-89-080
Appellant: Eastern Contractors
Project: E84-13 Contract #1, Change Order 49
Fire Fighting Academy, Stow
Claim: $20,886 change in sprinkler system.

26. Docket No. CP-89-919
Appellant: R.A. Caputo Co. Inc.
MDC87-1 Contract #1, Change Order 2
Repair to MDC Police Station, Blue Hills & Lower Basin
Claim: $5500.00 additional cost of flooring.

27. Docket No. CP-89-1051
Appellant: Eastern Contractors
Project: P84-11 Contract #1, Change Order 18
MCI Norfolk Recreation Building
Claim: $7250.00 for rock removal.

28. Docket No. CP-89-1064
Appellant: D.A. Sullivan & Sons, Inc.
Project: S80-2 Contract #2
Renovations to W. Mass Law Enforcement Academy, Agawam
Claim: $15,476.84 retained by D.C.P.O. due to purported breach of contract.

29. Docket No. CP-89-1152
Appellant: Sciaba Construction Corp.
Project: UB-84-8 Contract #1, Change Order numbers 3,5 & 6
Masonry repairs Healy Library
Claim: Information not available.

30. Docket No. CP-89-1199
Appellant: Sciaba Construction Corp.
Project: EJ74-2 Contract #3, Change Order 125
Middlesex Community College
Claim: $10,246.00 for outside painting done under protest.

31. Docket No. CP-89-1227
Appellant: Perini Corp
Project: G84-1 Job #899, Change Order 186
State House Renovations
Claim: Information not available.

32. Docket No. CP-89-1228
Appellant: Perini Corp
Project: G84-1 Job #899, Change Order 241
State House Renovations
Claim: Information not available.

33. Docket No. CP-89-1229
Appellant: Perini Corp.
Project: G84-1 Job #899, Change Order 172
State House Renovation
Claim: Information not available.

34. Docket No. CP-89-1260
Appellant Perini Corp.
Project: G84-1 Job #899, Change Order 194
State House Renovation
Claim: $800 for light fixtures.

Capital Construction Cases

Status Report 1989

Cases Closed

1. Docket No. CP-88-674
   Appellant: Eastern Contractors
   Project: E84-13 Contract #1, Change Order numbers 13, 14,15,16,26 & 27
   Fire Fighting Academy, Stow
   Claim: C.O. 13,14,15 & 16 for time extensions
   C.O. 26 & 27 $19,298.00 for computer and office equipment stolen from resident engineer's trailer.
   Decision: C.O. 13,14,15, & 16 dismissed
   C.O. 26 & 27 denial by D.C.P.O affirmed.

2. Docket No. CP-88-695
   Appellant: Sciaba Construction
   Project: P80-3 Contract #1, Change Order 37-35
   Middlesex County Courthouse
   Claim: $3977.39 D.C.P.O credit for acoustical tile work deleted.
   Decision: Claim was withdrawn - Dismissed.

3. Docket No. CP-88-800
   Appellant: J. Slotnik Co.
   Project: M84-25 Contract #1, Change Order 122
   Hospital facility. Wrentham State Hospital
   Claim: Furnishing and installing dishwasher exhaust hood. Amount not specified.
   Decision: D.C.P.O Motion to Dismiss allowed.

4. Docket No. CP-89-108
   Appellant: Saturn Construction
   Project EJ71-2 Change Order numbers 49-150
   Roxbury Community College
   Claim: $10,000 reinforcing steel work
   Decision: Claim was withdrawn - Dismissed.

5. Docket No. CP-87-974
   Appellant: Saturn Construction
   Project: EJ71-2 Contract #4, Change Order 65
   Roxbury Community College
   Claim: Unspecified amount for Tee lintel attic brace
   Decision: Claim was withdrawn - Dismissed.

6. Docket No. CP-87-1095
   Appellant: Saturn Construction
   Project: EJ71-2 Contract #4, Change Order numbers 41, 44 & 30
   Roxbury Community College
   Claim: Additional days for ledge removal
   Decision: Claim was withdrawn - Dismissed.

7. Docket No. CP-88-030
Appellant: Saturn Construction
Project: EJ71-2 Contract #4, Change Order 72
Roxbury Community College
Claim: Time & materials for rock removal
Decision: Claim was withdrawn - Dismissed.

8. Docket No. CP-88-031
Appellant: D. Clancy & Sons
Project: DCP86-30B Contract #1, Change Order numbers 1,2 & 3
Asbestos removal and abatement at various state facilities.
Claim: $19,091.29 total of 3 change orders
Decision: $4826.60 plus 25% insurance & taxes, 20% overhead and profit on change order 1. C.O. 2 & 3 denial by D.C.P.O affirmed.

9. Docket No. CP-88-879
Appellant: R.W. Granger
Project: M79-17 Contract #15A, Change Order numbers 90-81 Greenhouse, Valley Barns & New Hall
Fernald State School
Claim: $6234.39 for miscellaneous electrical revisions and modifications.
Decision: Settlement agreement of $4731.73 to Appellant - Dismissed.

10. Docket No. CP-88-706
Appellant: Emerson Contractors Inc.
Project: CBE84-1 Contract #1, Change Order numbers 29 & 35
Berkshire County House of Corrections
Claim: C.O. #29 $13,795.12 - bolting work detention equipment. C.O. #35 $48,296.43 - bolting work main cell block
Decision: Settlement agreement. South cell block $10,120.56 - Main cell block to be determined based on time & material. Dismissed.

11. Docket No. CP-88-991
Appellant: Sciaba Construction
Project: P80-3 Contract #1, Change Order 42
Middlesex County Court House
Claim: $8449.84 for additional piping - Fire detection and suppresion system
Decision: Respondent's Motion to Dismiss allowed.

12. Docket No. CP-89-022
Appellant: Sciaba Construction
Project: P80-3 Contract #1, Change Order 11
Middlesex County Court House.
Claim: $2212.57 for relocation of sprinkler piping.
Decision: Respondent's Motion to Dismiss allowed.

13. Docket No. CP-89-005
Appellant: T.L.T. Construction
Project: CNO78-2 Contract #2, Change Order 33
Norfolk County Agricultural High School
Claim: $1703.00 for installing fuel oil piping
Decision: Claim allowed.

14. Docket No. CP-88-259
Appellant: Saturn Construction
Project: EJ71-2 Contract #4, Change Order 117
Roxbury Community College
Claim: $29,523.46 wet seal on exterior windows
Decision: D.C.P.O denial affirmed.

15. Docket No. CP-89-042
Appellant: Eastern Contractors
Project: M80-8 Contract #1, Change Order 47
Hogan Regional Center, Danvers
Claim: Time extension
Decision: Claim was withdrawn - Dismissed.

16. Docket No. CP-89-054
Appellant: Eastern Contractors
Project: M80-8 Contract #1, Change Order 45
Hogan Regional Center, Danvers
Claim: Time extension
Decision: Claim was withdrawn - Dismissed.

17. Docket No. CP-89-116
Appellant: R.W. Granger
Project: CNO83-3 Contract #1, Change Order numbers 72,73,74 & 75
Norfolk County Jail, Dedham
Claim: $13,989.02 for sheet metal work
Decision Dismissed for lack of jurisdiction.

18. Docket No. CP-89-048
Appellant R.W. Granger
Project: CNO83-3 Contract #1, Change Order 92
Norfolk County Jail, Dedham
Claim: $360.56 for ductwork inspection
Decision: Dismissed for lack of jurisdiction.

19. Docket No. CP-89-049
Appellant: R.W. Granger
Project: CNO83-3
Norfolk County Jail, Dedham
Claim: $925.46 for reworking louvers
Decision: Dismissed for lack of jurisdiction.

20. Docket No. CP-89-165
Appellant: Eastern Contractors
Project: P84-11 Contract #1, Change Order 17
MCI Norfolk Recreation Building
Claim: $4178.00 for grading and related drainage
Decision: Dismissed for lack of jurisdiction.

21. Docket No. CP-89-135
Appellant Eastern Contractors
Project: P84-11 Contract #1, Change Order 19
MCI Norfolk Recreation Building
Claim: Time extension
Decision: Claim was withdrawn - Dismissed.

22. Docket No. CP-88-314
Appellant: Fellsway Inc.
Project: E84-10 Contract #213, Change Order 5
Improvements to Salem State College
Claim: Time extension
Decision: Dismissed for lack of prosecution.

23. Docket No. CP-89-080
Appellant: Eastern Contractors
Project E84-13 Contract #1, Change Order 49
Fire Fighting Academy, Stow
Claim $20,886 change in Sprinkler System
Decision: Claim was withdrawn - Dismissed.

24. Docket No. CP-89-406
Appellant: Eastern Constractors
Project: P84-11 Contract #1, Change Order 32
MCI Norfolk Recreation Building
Claim: $16,741.00 bracing angles for masonry walls
Decision: D.C.P.O denial affirmed.

25. Docket No. CP-89-043
Appellant: Eastern Contractors
Project: M80-8 Contract #1, Change Order number 51-35
Hogan Regional Center, Danvers
Claim: Liquidated Damages $76,500.00
Decision: Claim was withdrawn - Dismissed.

26. Docket No. CP-89-919
Appellant: R.A. Caputo Co. Inc.
Project: MDC87-1 Contract #1, Change Order 2
Repair to MDC Police Station, Blue Hills and Lower Basin
Claim: $5500.00 additional cost of flooring
Decision: Claim was withdrawn - Dismissed.

ACME
BOOKBINDING CO., INC.

JAN 5 1992

100 CAMBRIDGE STREET
CHARLESTOWN, MASS.